

1 KEVIN V. RYAN (CSBN 118321)
2 United States Attorney

3 EUMI L. CHOI (WVBN 0722)
4 Chief, Criminal Division

5 TRACIE L. BROWN (CSBN 188349)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102
9 Telephone: (415) 436-6917
10 Facsimile: (415) 436-7234

11 Attorneys for Plaintiff

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA,) No. CR 05-657 MMC
16 Plaintiff,)
17 v.) STIPULATION AND [PROPOSED]
18 CARMINA DANICA SANTOS,) ORDER CONTINUING HEARING AND
19 Defendant.) EXCLUDING TIME FROM APRIL 26,
20) 2006 TO MAY 10, 2006 FROM THE
21) SPEEDY TRIAL ACT CALCULATION
22) (18 U.S.C. § 3161(h)(8)(A))
23)
24)
25)
26)
27)
28)

20 The parties appeared before the Court on April 5, 2006. At that time, the Court scheduled
21 a trial setting or change of plea hearing for April 26, 2006, at 2:30 p.m., and excluded time under
22 the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from April 5, 2006 to April 26, 2006.

23 The parties have agreed as follows:

24 1. Although the parties have reached a plea agreement in principle, the plea agreement
25 has not yet been finalized, and is not likely to be finalized in time for the hearing on April 26,
26 2006. In addition, as alluded to at the April 5, 2006 appearance, there remains some electronic
27 discovery (audio files of the Defendant) that the government has not yet been able to produce in a
28 readable format, and the Defendant wishes to review those files before giving final approval to

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1 the plea agreement. The parties thus stipulate to vacate and continue the April 26, 2006 hearing
2 date, with a new date of Wednesday, May 10, 2006 at 2:30 p.m. for change of plea (or status
3 hearing if the audio files have not yet been produced or reviewed).

4 2. The parties have also agreed to an exclusion of time under the Speedy Trial Act.
5 Failure to grant the requested continuance would unreasonably deny defense counsel reasonable
6 time necessary for effective preparation, taking into account the need for production and review
7 of the final discovery, as well as the need to finalize the plea agreement. Failure to grant the
8 requested continuance would also deny the defendant continuity of counsel.

9 2. Given these circumstances, the Court found that the ends of justice served by
10 excluding the period from April 26, 2006 to May 10, 2006, outweigh the best interest of the
11 public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

12 3. Accordingly, and with the consent of the defendant, the Court ordered that the period
13 from April 26, 2006 to May 10, 2006, be excluded from Speedy Trial Act calculations under 18
14 U.S.C. § 3161(h)(8)(A) & (B)(iv).

15 5. The parties will appear at a trial setting or change of plea or status hearing on May 10,
16 2006 at 2:30 p.m.

17 IT IS SO STIPULATED.

19 DATED: _____

20 _____ /s/
21 TRACIE L. BROWN
22 Assistant United States Attorney

22 DATED: _____

23 _____ /s/
24 RONALD TYLER
25 Attorney for Carmina Danica Santos

24 IT IS SO ORDERED.

26 DATED: April 25, 2006 _____

27 _____
28 
THE HON. MAXINE M. CHESNEY
United States District Judge